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UNCLAS OTTAWA 002951

SIPDIS

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SUBJECT: CANADA: MARIJUANA LEGISLATION INTRODUCED ANEW

1) (SBU) Minister of Justice Irwin Cotler re-introduced the marijuana decriminalization bill on Monday, November 1st. Along with a bill designed to give police powers to arrest and charge those who drive under the influence of drugs. The Decriminalization Bill was Bill C-10 in the previous session of Parliament and is now numbered Bill C-17. The second piece of Legislation was numbered C-32 during the last Parliament and is now numbered Bill C-16. These Bills would decriminalize possession of small amounts of marijuana, replacing criminal charges with ticket fines similar those given for traffic offences. At the same time they attempt to give increased power to police to deal with marijuana growing operations. Minister Cotler went out of his way to try and avoid using the term "decriminalization" and instead referred to quote alternate penalty frameworks unquote. He insisted that marijuana possession and consumption would still be illegal in Canada.

2) (SBU) Just as in the old bill, under the current text of Bill C-17, criminal charges would be replaced with fines for anyone caught with up to 15 grams of marijuana. Cotler stated that the goal of the proposed legislation is to help police forces with their efforts against on marijuana growing operations and related organized crime rather than minor possession cases. In addition to replacing criminal charges with a system of fines, the bill doubles the maximum time penalties for those convicted of growing marijuana and creates new sentencing criteria for dealing with growing operations. The new offences include; using a third party's property for a grow-op, creating a hazard to children, creating a general public safety hazard, and placing booby traps in a grow-op. The maximum sentence has increased to fourteen years, but the Government of Canada has not yet addressed how often judges actually employ the maximum sentence.

3) (SBU) The second bill, C-16 attempts to address the problem of impaired driving under the influence of drugs. Currently, Canadian drivers cannot be forced to submit to drug testing. Under the new bill police would have the power to conduct simple 'physical coordination' tests if they have quote reasonable grounds to believe unquote that a driver is under the influence of alcohol or drugs. If satisfied that the evidence from the first test suggests impairment, the police may then demand that the person provide oral fluid, urine or blood for testing. Reasonable Grounds are not further defined in the bill but it does state that police may begin to conduct their evaluation if they believe that a person has taken drugs quote at any time within the preceding three hours unquote. Cotler announced that a \$5.5million fund was being created to train police in impairment testing. Critics state that drugs can remain in a person's system for weeks, which could result in false positives.

4) (SBU) In the House of Commons the initial responses to the re-introduction of these bills fall along predictable lines. The Bloc Quebecois is reported in the national media to have only minor concerns, and is generally accepted to be supporting of the Bill. The Conservative and Official Opposition Justice Critic Vic Toews has warned that his party is concerned about the effects such legislation could have on economic ties to the United States, particularly the ability of Canadian goods to cross the U.S. border efficiently. NDP Justice Critic and House Leader Libby Davies says the NDP will seek an amnesty for the 600 000 Canadians she says have already been convicted of simple possession and therefore have criminal records. The NDP also wants reduced fines for people with three plants or less in their home.

5) (SBU) Comment: One Senior Policy Advisor in the Ministry of Justice told Pol Off that he thought the chances of this marijuana de-criminalization bill passing unscathed through a split Parliament were nil. He noted however, that since the PM had promised to reintroduce the bill, it had to be done. Of the ten or so Members of Parliament who chose to speak about C-17 during the November second Question Period, six members raised concerns over the possible negative impact of that Government of Canada's De-Criminalization proposal could have on the U.S.-Canada border. End Comment.
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